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CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, August 17, 2011 at 9:30 a.m.
PLACE:	Conference Room A, Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	September 21, 2011

MEMBERS PRESENT

Joli Martini, R.Ph, Professional Member, Vice President, Chair
Howard Simon, R.Ph, Professional Member
Sandra Robinson, R.Ph, Professional Member
Jay Galloway, Public Member
Matthew Maher, Public Member
Ron Sherman, Public Member
David W. Dryden, R.Ph., J.D., Executive Secretary

MEMBERS ABSENT

Sebastian Hamilton, R.Ph, Professional Member
Geoffrey N. Christ, Esq., R.Ph, Professional Member, President
Don Holst, R.Ph, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Davis-Oliva, Deputy Attorney General
Nancy Fields, Administrative Specialist II
Alicia Kluger, Pharmacy Compliance Officer
Samantha Nettesheim, Pharmacist Administrator

ALSO PRESENT

Trent Beach
Kaylei DeHart
Stephanie Rabrei
Cheryl Heiks
Mark Siple
Dawn Lahuta
Gerald McGrory
Suzanne Raab-Long
Eric Johnson
Greg Ponento
Jeanne Chiquiore
Whitney Swears
Tim Ingraham

CALL TO ORDER

Ms. Martini called the meeting to order at 9:30 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Simon, seconded by Mr. Maher, to approve the June 15, 2011 minutes as amended. The motion unanimously carried.

PRESIDENT'S REPORT

No report.

UNFINISHED BUSINESS

Legitimate Medical Purpose – Internet Pharmacy Proposal

No report.

Lot # / Expiration Sign Issue

The Board received a copy of Regulation 3.0 in its packet. The General Assembly made recommendations for new language as specified in Regulation 3.9 pertaining to a sign that must be posted in the pharmacies that advises patients that they can request the lot number and expiration dating for the dispensed medication. The Board recommended adding “at the time of drop-off”.

A motion was made by Ms. Robinson, seconded by Mr. Sherman, to accept the proposed amendments to Regulation 3.9. The motion unanimously carried.

Ms. Davis-Olivia advised that the Board will have a Regulation hearing for this in a few months.

Complaint Status

The Division of Professional Regulation has received the following complaints. The statuses of each are listed below. Those listed as “assigned” are under investigation by the Division and have been assigned to a Board contact person.

13-28-08 – Forwarded to Office of Attorney General
13-29-08 – Forwarded to Office of Attorney General
13-31-08 – Forwarded to Office of Attorney General
13-36-08 – Forwarded to Office of Attorney General
13-37-08 – Forwarded to Office of Attorney General
13-39-08 – Forwarded to Office of Attorney General
13-03-09 – Forwarded to Office of Attorney General
13-04-09 – Forwarded to Office of Attorney General
13-06-09 – Forwarded to Office of Attorney General
13-12-09 – Forwarded to Office of Attorney General
13-13-09 – Forwarded to Office of Attorney General
13-15-09 – Forwarded to Office of Attorney General
13-20-09 – Forwarded to Office of Attorney General
13-25-09 – Forwarded to Office of Attorney General
13-28-09 – Forwarded to Office of Attorney General
13-29-09 – Forwarded to Office of Attorney General
13-01-10 – Forwarded to Office of Attorney General

13-03-10 – Forwarded to Office of Attorney General
13-04-10 – Forwarded to Office of Attorney General
13-05-10 – Forwarded to Office of Attorney General
13-08-10 – Assigned
13-09-10 – Forwarded to Office of Attorney General
13-10-10 – Assigned
13-11-10 – Assigned
13-12-10 – Assigned
13-13-10 – Assigned
13-14-10 – Assigned
13-15-10 – Assigned
13-16-10 – Assigned
13-17-10 – Assigned
13-18-10 – Assigned
13-19-10 – Assigned
13-20-10 – Assigned
13-21-10 – Assigned
13-22-10 – Assigned
13-01-11 – Assigned
13-02-11 – Assigned
13-03-11 – Assigned
13-04-11 – Assigned
13-05-11 – Assigned
13-06-11 – Assigned
13-07-11 – Assigned
13-08-11 – Assigned
13-09-11 – Assigned
13-10-11 – Assigned
13-11-11 – Assigned
13-12-11 – Assigned
13-13-11 – Assigned
13-14-11 – Assigned

Tim Ingraham Hearing

Ms. Davis-Oliva stated the purpose of the hearing was to allow Mr. Ingraham the opportunity to prove to the Board why he should be allowed to be granted a waiver and be issued a Delaware Pharmacist license. The Board had proposed to deny Mr. Ingraham's request for a new Delaware license at the May 18, 2011 meeting after it reviewed Mr. Ingraham's criminal history record which contained crimes that are substantially related to the practice of Pharmacy.

The Board was introduced and the exhibits were marked into evidence. Mr. Ingraham testified. After hearing the testimony, the Board went off the record for deliberations.

When the Board went back on the record, a motion was made by Mr. Galloway, seconded by Mr. Simon, to grant a waiver and a license to Mr. Ingraham. Ms. Robinson, Ms. Martini, Mr. Simon, Mr. Galloway were in favor while Mr. Maher was opposed. The motion carried. The Decision and Order will be signed at the next scheduled meeting.

NEW BUSINESS

Pharmacist-In-Charge (PIC)

Mr. Simon conducted a PIC interview for Mark Siple.

Pharmacist Consultant Interviews

Mr. Simon conducted a Consultant interview for Dawn Lahuta, Gregory Ponento, and Eric Johnson.

Pharmacist Licensure Ratifications

A motion was made by Ms. Robinson, seconded by Mr. Simon, to ratify the applications of Linda Grant, Niyti Shah, Maureen Connors, Jennifer Thompson, Kate Stefanow, Mallory Onisk, Katelyn McCormick, Emily Lanza, Linda Witzal, Jordan Kursewicz, Steven Stuhltrager, Caitlyn Nutt, Jessica McPoland, Greg Poletaev, Kesha Bivens, Katherine Sheasley, William Albanese, Richa Patel, Brittany Harrell, Jennifer Fitch, Andrea Roble, Kelly Shaw, Brittany Bird, Devon Lee, Reed Baker, Tin Lac, John Ferreira, Rachel Werner, Jill Coudon, Laura Schneider and Helena Kim. The motion unanimously carried.

Pharmacist Application Reviews

Ms. Davis-Oliva reviewed the file and criminal background check for Joseph Manzullo and informed the Board that the crime listed on his criminal history report is not related to the practice of Pharmacy and not a bar for licensure.

A motion was made by Mr. Simon, seconded by Ms. Martini, to approve the application of Joseph Manzullo. The motion unanimously carried.

Facility Licensure Approval Ratifications

A motion was made by Mr. Simon, seconded by Mr. Galloway, to ratify the approval of the applications of Marcus Hook Pharmacy, Restore Health Pharmacy, Premier Kids Care, Inc., Bond Pharmacy, Inc. d/b/a Advanced Infusion Solutions, Coastal Express Pharmacy, Inc., Pacifico National, Inc., d/b/a Amex Pharmacy, Serquinox LLC d/b/a Equinox Healthcare, Specialty Therapeutic Care, Forest Hills RX, and King Pharmacy, Apria Healthcare, First State Pharmacy, Inc. Kuehne & Nagel, Inc., West-Ward Pharmaceutical Corp., Medline Industries, Inc., Exel, Inc., Rand Diversified Companies, Brian Unlimited Distribution Co., Macoven Pharmaceutical, LLC, Teva Animal Health, Inc., Red River Wholesale Distribution, Kinray, Inc., Pfizer Inc., Dendreon Distribution, LLC d/b/a Dendreon, Linde Gas North America LLC., and Meridian Medical Technologies. The motion unanimously carried.

Facility Licensure Application Reviews

Due to having a past disciplinary action on its record, the Board reviewed five whole distributor files with Ms. Davis-Oliva. The disciplinary actions did not appear to be public safety risks.

A motion was made by Mr. Simon, seconded by Mr. Sherman, to approve the following wholesale distributors for licensure: Medisca, Inc., Ino Therapeutics, LLC., Rand Diversified, Arrow International, Inc., and Promotech Research Associates, Inc. The motion unanimously carried.

Nemours Updated PYXIS System

Gerald McCrory from Nemours/Alfred I DuPont Hospital asked the Board's permission to upgrade their OR system from the 3500 to the 4000 series.

A motion was made by Mr. Simon, seconded by Mr. Sherman, to accept their proposal and allow them to upgrade their system. The motion unanimously carried.

Chief Hearing Officer Recommendations

A motion was made by Mr. Galloway, seconded by Mr. Sherman, to accept the hearing officer's recommendations and signed the Decision and Orders for Kazal Bahl and Latoya Kennedy. The motion unanimously carried.

Committee Reports

Joint Practice Committee – Don Holst and Howard Simon

The report submitted by Mr. Holst showed that 2 Nurse Practitioners, 1 Registered Nurse, and 1 Physician were approved for prescriptive authority in July.

Physician's Assistant Report – Sebastian Hamilton, R.Ph:

No report.

Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.:

Ms. Robinson reported that the current newsletter went out recently and asked that the new public members on the Board be recognized, be added to the distribution list to get the newsletter and if possible, place the announcement in the next newsletter.

Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., David Dryden, R.Ph., J.D. and Jay Galloway:

Ms. Robinson informed the Board that House Bill 206 regarding the volunteer drug take-back program did not pass.

Continuing Education – Sandy Robinson, R. Ph., Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.:

No report

Consumer Affairs – Jay Galloway:

Mr. Galloway stated that he has no report at this time; however, he noted that he is more much more observant when visiting pharmacies now that he is on this Committee.

Professional Liaison – Sandra Robinson, R.Ph. and Joli Martini, R.Ph:

Ms. Robinson reported that she has no information yet on the upcoming fall meeting for DSHP. She also reported that she attended the DPS Board meeting on July 19, 2011 at the Levin Center. Topics of discussion included: Mark Freebury is setting up new DPS Committees. The building is available for rent again. The Retreat is scheduled for August 16, 2011. Funding for the Diabetic Screening program was decreased to 40 screenings this year and lastly, there is a general membership meeting scheduled for January.

MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, David Dryden and Alicia Kluger:

Mr. Dryden, Mrs. Kluger, and Mrs. Nettesheim reviewed hundreds of questions for MPJE as requested by NABP.

Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, Jay Galloway, and Dave Dryden:

Mr. Dryden stated that Controlled Substance Committee's recommended amendments to the Controlled Substance Committee Rules and Regulations were sent to the Secretary and editorial changes are being made. The next meeting is August 24, 2011 at 9:30 am.

Mr. Simon stated that he wanted to make sure it was clear to everyone that he doesn't represent the Board of Pharmacy at the Controlled Substance Committee. The Committee is made up of professional members from different health care professions and he is a Pharmacist professional member on the Committee only. If the Board has concerns, they should be addressed in writing through the Board office. The minutes from the Controlled Substance Committee meetings are posted on the website and are available to the public.

Substantially Related Crimes Committee - Geoffrey Christ, Howard Simon, Patricia Davis Oliva, and Dave Dryden:

No report.

Board Correspondence

The Board office received a letter, addressed to the Board of Pharmacy, from a concerned Rite Aid pharmacist who was concerned about the company policy for the 15-minute promise for prescriptions and public safety. This discussion will be tabled until the September meeting.

Executive Secretary and Inspection Report - David Dryden and Alicia Kluger

Ms. Kluger informed the Board that the following inspections were completed in the past two months:

- 1 Nursing home
- 13 routine visits - Pharmacies
- 6 Controlled Substance Audit
- 2 Pharmacy openings
- 4 Pre-Inspections
- 11 Drop-Ins
- 3 Practitioners
- 2 Hospitals & 1 ER
- 1 Methadone clinic
- 1 Gas Provider
- 1 Pharmacy Provider
- 2 New Pharmacy Openings
- One Dog-Handle Inspection with DEA
- 2 Automated Pharmacy Installations

Ms. Kluger also stated that during pharmacy inspections, she concentrated on reviewing compliance with Regulation 5.2 – patient counseling because this is a major concern.

Mr. Dryden introduced the Division of Professional Regulation's newest staff member, Samantha Nettesheim, as the person that will be in charge of the Delaware Prescription Monitoring Program, Tamper Proof prescription pad project, and e-prescribing.

Ms. Nettesheim stated that a vendor for the prescription pads has been determined and she is currently working on the contract, creating form letters, and choosing a vendor for the Prescription Monitoring Program.

Other Business before the Board

Ms. Davis-Oliva issued a friendly reminder to the members of the Board that meetings are open to the public and that they should not discuss any agenda items before its scheduled place on the agenda. All decisions have to be made as a Board.

Public Comments

There were no public comments.

Next Scheduled Meeting

The next meeting is scheduled for September 21, 2011.

Adjournment

There being no other business before the Board, a motion was made by Ms. Robinson, seconded by Mr. Maher, to adjourn the meeting. The meeting was adjourned at 11:56 am.

Respectfully submitted,

A handwritten signature in black ink that reads "Nancy L. Fields". The signature is written in a cursive, flowing style.

Nancy Fields
Administrative Specialist II